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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO, ABILENE, SAN ANGELO AND WICHITA FALLS DIVISIONS**

IN RE:

CHAPTER 13 TRUSTEE GUIDELINES

DATED: 2/1/2005

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NOW COMES WALTER O'CHESKEY, STANDING CHAPTER 13 TRUSTEE, and files his Guidelines pursuant to Local Bankruptcy Rule 2015.5. Such Guidelines amend and supersede any Guidelines previously filed. The purpose of these Guidelines is to provide information concerning Chapter 13 and to make known the duties and responsibilities of a Chapter 13 Debtor and Debtor's Attorney.

Local Bankruptcy Rule 2015.5

Rule 2015.5 of the Local Bankruptcy Rules for the Northern District of Texas provides:

"The Standing Chapter 13 Trustee may from time to time publish and file with the Clerk 'Trustee Guidelines' on matters such as valuation of consumer goods, capitalization rates, amount and rate of payment of Debtor's Attorney fees, and other issues pertaining to confirmation or modification of a Chapter 13 Final Plan. Any Chapter 13 Final Plan or Modification conforming to such Trustee Guidelines will be deemed to have the Trustee's recommendation, unless otherwise expressly stated by the Trustee."

General Order Concerning all Chapter 13 Cases

All Chapter 13 cases filed on or after October 1, 1998 are governed by General Order 2003-03 (G.O. 2003-03), which modifies General Order 98-4, unless otherwise ordered by the Court. A copy of G.O. 2003-03 and all other General Orders are available from the Clerk's website at www.txnb.uscourts.gov. Other General Orders for the Northern District are referenced herein and may also be obtained from the Clerk's website.

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Definitions

The following definitions shall apply hereto:

§ 341 Meeting: First meeting of creditors pursuant to 11 U.S.C. § 341.

Bankruptcy Rules (B.R.): Federal Rules of Bankruptcy Procedure.

Local Bankruptcy Rules (L.B.R.): Local Bankruptcy Rules for the Northern District of Texas. These rules are available from the Clerk's website at www.txnb.uscourts.gov.

Plan "Base": The total of all payments to be made to the Trustee in a Chapter 13 case.

Minimum Base: The minimum permitted plan base, determined by the Debtor's disposable income paid into the plan.

Claims Bar Date: The date for timely filing claims pursuant to B.R. 3002, and Bankruptcy Code Section 502(b)(9)

Clerk: United States Bankruptcy Clerk for the Northern District of Texas, Abilene, Amarillo, Lubbock, San Angelo, and Wichita Falls Divisions.

Compensation Guidelines: Guidelines for Compensation and Expense Reimbursement of Professionals (G.O. 2002-03 & 2004-01)

Court: The United States Bankruptcy Court for the Northern District of Texas, Abilene, Amarillo, Lubbock, San Angelo, and Wichita Falls Divisions.

Preliminary Plan Summary (PPS): The document prepared by the Debtor summarizing the proposed payments to be made to all claimants, attorney for Debtor, Trustee and Clerk.

Authorization for Pre-Confirmation Disbursements (APD): The document to be filed by the Debtor which authorizes pre-confirmation payments to be made by the Trustee to certain creditors.

Final Plan: The document prepared by the Trustee after the claims bar date outlining the Debtor's proposed repayment of secured, priority, and unsecured debt. The final plan is filed and noticed by the debtor. This plan is confirmed by the Court.

Trustee: The Standing Chapter 13 Trustee for the Northern District of Texas, Abilene, Amarillo, San Angelo, and Wichita Falls Divisions.

Notice of Intent (NOI): Notice issued by the Trustee's Office pursuant to G.O. 2003-03.

Bankruptcy Noticing Center (BNC): Bankruptcy Court's official noticing center. All documents noticed by the Court are noticed thru the BNC.

Electronic Case Filing (ECF): All documents must be filed electronically pursuant to General Order 2004-06. General Order 2004-06 can be found on the Clerk's website at www.txnb.uscourts.gov. The website for filing cases electronically can be found at <http://ecf.txnb.uscourts.gov>.

GENERAL AND STANDING ORDERS IN THE NORTHERN DISTRICT OF TEXAS

General Order 2005-01

This order is a judicial directive authorizing the use of Local Bankruptcy Rule 9007.1 for motions in contested matters, not otherwise governed by the Federal Rules of Bankruptcy Procedure for which the moving party does not anticipate opposition.

General Order 2004-06

This order provides all administrative procedures for filing, signing, and verifying all documents submitted electronically thru Electronic Case Filing (ECF).

General Order 2004-04

General Order regarding privacy amendments to the Federal Rules of Bankruptcy Procedure

General Order 2004-01

This guideline governs the most significant issues related to applications for compensation and expense reimbursement. It applies to all professionals requiring them to exercise reasonable billing judgment notwithstanding total hours spent.

General Order 2003-04

Order relating to filing of pleadings and exhibits and attachments to pleadings and proof(s) of claim by persons not registered as electronic filing users.

General Order 2003-03

Modifies General Order 98-4. Governs all Chapter 13 cases filed on or after October 1, 1998.

Standing Order 2000-4

Standing order concerning video hearings in Abilene, Amarillo, San Angelo, and Wichita Falls Divisions.

General Procedures Order 2000-3

Order concerning Court electronic noticing procedures.

General Order 96-4.

Order and Notice regarding the initial payment of filing fees paid in installments.

Standing Order No. 94-5 (Abilene, Amarillo, Lubbock, and San Angelo Divisions).

Concerns styles of Bankruptcy petitions. Entered by the Court on July 18, 1994. It provides that each petition submitted for filing must fully comply with Official Form 1 and Bankruptcy Rule 1005, including the first, middle and last name of each petitioner.

I. PAYMENTS TO THE TRUSTEE.

Pursuant to 11 U.S.C. § 1326(a)(1), the Debtor must begin payments under the Plan to the Trustee within forty-five (45) days of filing the Bankruptcy Petition. Thereafter all payments will be due on the same date each month. Attorneys must tell their Debtor clients HOW MUCH TO PAY AND WHEN THE FIRST PAYMENT IS DUE. If you are unsure of the precise "final" amount, give a "tentative" amount (subject to PPS change after the § 341 Meeting) so timely payments may commence. The "tentative" amount should be as close as possible to the expected final amount and not just some nominal sum, so the Debtor can immediately learn to work it into their budget. The Debtor is responsible for curing any arrears and being current with all plan payments from the date of filing until completion of the plan. The Trustee uses a bank lock box to collect all plan payments. Please note the following regarding payments to the Trustee.

A. Payment Requirements.

Mail Plan Payments to the following address:
Standing Chapter 13 Trustee
P.O. Box 94210
Lubbock, Texas 79493-4210

Failure to send payments to this address could result in the Trustee filing a Motion to Dismiss your bankruptcy case for failure to comply with the Trustee Guidelines.

1. DO NOT SEND CASH. The Trustee will only accept a check or money order as payment.
2. MAKE CHECKS OR MONEY ORDERS PAYABLE TO: STANDING CHAPTER 13 TRUSTEE.
3. ALWAYS PUT YOUR BANKRUPTCY CASE NUMBER ON YOUR CHECK OR MONEY ORDER. If you do not include your case number on your check or money order, we cannot assure that your payment will be credited properly to your case. Always keep a copy of your money order in case your money order payment is lost.
4. DO NOT POST-DATE YOUR CHECK OR MONEY ORDER. All post-dated checks and or money orders will be returned to you.
5. ONE MONTH HOLD ON DISBURSEMENTS. The Trustee makes disbursements to creditors between the 25th and the last day of each month. All Debtor payments received by the bank in the form of personal checks less than 15 days prior to the date of disbursement will be held until the next month to ensure that the Trustee has collected funds.
6. DO NOT SEND PAYMENTS BY MAIL SERVICES THAT REQUIRE SIGNATURE UPON RECEIPT. Payments are sent to a lock box for the bank and no one can sign for mail received.

B. Failure to Begin Payments Within 45 Days.

If a Debtor fails to begin making Plan Payments within 45 days after the Petition is filed as required by 11 U.S.C. § 1326(a)(1) of the Bankruptcy Code, the Trustee will issue a written NOI to the Debtor and the Debtor's Attorney giving them 48 hours to make the required payment. If the Trustee does not receive the payment within this time, the Trustee shall submit to the Clerk, an Order Dismissing the case per the NOI.

C. Failure to Make Continuing Pre-Confirmation or Post-Confirmation Payments.

If payments are not made timely, the Trustee will file a Motion to Dismiss and set it for hearing on the next available Court Docket. Both the Debtor and Debtor's Attorney will receive a minimum of 20 days notice thereof. The following options are available for the Debtor if a Motion to Dismiss is filed for non-payment:

1. Cure arrearage with certified funds
2. File a response to the Trustee's Motion to Dismiss for non-payment and have the matter automatically set for hearing on the date, time, and place indicated within the Motion. The response must specifically set out how the debtor plans to cure the arrearage.
3. Fax or email a signed copy of an Interlocutory Order or Agreed Order to the Trustee two days prior to the scheduled hearing date. The Interlocutory Order or Agreed Order should indicate how the arrearage stated in the Motion to Dismiss will be cured. It is the Debtor Attorney's responsibility to maintain all original signed Interlocutory Orders or Agreed Orders.
4. Do nothing at all and the case will automatically be dismissed after the twenty (20) day response time has expired.

D. Non-Sufficient Funds (NSF) Checks.

If the Trustee receives a check returned as NSF, the Trustee will no longer accept the Debtor's personal check. NSF checks must be replaced within 7 days by certified funds or the Trustee will file a Motion to Dismiss the Chapter 13 case. All future payments made by the Debtor shall be certified funds. If an NSF check is received for the first payment due 45 days from filing the petition, certified funds must be sent immediately to the Trustee's lock box address and proof of such payment sent to the Trustee's office by mail, fax, or email before the 48 hour deadline mentioned above. Failure to send proof may result in the Trustee taking action pursuant to G.O. 98-4 and G.O. 2003-03.

E. Payments Inside and Outside the Plan.

Payments to all creditors may be disbursed by the Trustee from plan payments of the Debtor. The Trustee will not object to direct payments on over secured unimpaired creditor claims. All home mortgage arrearage claims and pre-petition tax claims must be paid by the Trustee.

F. Plan Payment Changes Prior to Confirmation.

The Trustee will not allow plan payments to be changed retroactively or prior to the 341 PPS. Only future plan payments, which have not yet become due pursuant to the most recent PPS filed with the Clerk, can be changed. Once a monthly plan payment has become due, the payment can not be changed to a higher or lower amount. It is very important that Debtors budget themselves carefully so that plan payments can be made each time they become due. If Debtors find that they cannot make plan payments prior to confirmation, the PPS, APD and the budget (Schedules I & J), which reflects the monthly payment that the Debtors can make in the future, must be amended and filed with the Clerk.

G. Plan Payments by Wage Withholding Orders and Trustee Directives.

Trustee Directives are put in place to help assure success of the Chapter 13 plan and for the convenience of the bankruptcy process. Until the wage withholding is deducted from the Debtor's pay, the Debtor is responsible for making all payments to the Trustee's lock box. After the § 341 Meeting, the Trustee will prepare a Directive per Standing Order 2003-03 upon the debtor's request. The directive will then be sent to the Debtor's employer instructing that the Debtor's payments be withheld from the Debtor's pay and sent to the Trustee lock box for disbursement to creditors. Payments shall be withheld on an equal basis each pay period to the extent necessary and possible to fund the Plan. If plan payments change, the Trustee shall send an amended directive to the Debtor, employer, and Debtor's Attorney. If the Trustee receives written notice of termination of Debtor's employment, the Trustee shall send a termination of the directive to the Debtor, employer, and the Debtor's Attorney. Cases with a wage withholding order already on file with the Clerk will be processed according to General Order 98-4. All amendments and terminations of wage withholding orders will be filed with the Clerk.

II. DOCUMENTS REQUIRED BY THE U.S. BANKRUPTCY CLERK.

All documents required by the Clerk must be on the Official Bankruptcy Forms where applicable and must comply with the Federal Rules of Bankruptcy Procedure, Local Bankruptcy Rules, and Administrative Procedures for Electronic Case Filing and these guidelines. **All the information included on these forms must be complete and filed with the Clerk in a PDF format.** Documents required by the Clerk include the following items:

A. Mailing List/Matrix (L.B.R. 1007.2).

1. The matrix must be filed via electronic case filing and comply with General Order 2004-06.
2. Must be filed contemporaneously with every voluntary petition.
3. Must match the PPS exactly (creditor for creditor).
4. ACCOUNT NUMBERS must be listed, if applicable, directly under the name of the creditor and prior to the address to conform to the new Postal Regulations. Account numbers must comply with General Order 2004-04.
5. Designate "Notice Only" for parties in interest (i.e. those not listed on the PPS). The words "Notice Only" may appear directly below the name of the creditor (on the same line as the account number).
6. A 9-digit zip code shall be used, when known, and separated by a hyphen (example 76180-8899).
7. Amendments to the Mailing List shall be limited to include only the names and addresses of creditors to be added or corrected.
8. A Verification of Mailing List shall be attached to the Mailing List and filed with the Court indicating the status of the Mailing List (i.e. additions or corrections).
9. 2016(b) Disclosure of compensation of attorney for debtor.
10. It is not necessary to add the Trustee to the Mailing List/Matrix. The Trustee automatically receives emails for all items filed in every case that he is assigned to.

B. Form B21

Debtor statement of social security number(s). (Must be filed as a separate document)

C. Schedules A-J.

Schedules A-J must be filed via electronic case filing and comply with General Order 2004-06.

D. Statement of Financial Affairs.

Statement of Financial Affairs must be filed via electronic case filing and comply with General Order 2004-06.

E. Preliminary Plan Summary (PPS) And Authorization For Pre-Confirmation Disbursements (APD).

A PPS and an APD must be filed with or within 15 days of the Petition pursuant to B.R. 3015(b), G.O. 98-4, and G.O. 2003-03 on a form acceptable to the Trustee. You may obtain a template of the PPS and APD from the Trustee's website at www.ch13-12westtex.org. When filing a PPS and APD, the following should be done:

1. The PPS and APD must be filed via electronic case filing and comply with General Order 2004-06.
2. The PPS must match the Mailing List/Matrix and Schedules exactly (creditor for creditor).
3. All information blanks must be complete.
4. The percent to unsecured creditors must be completed with a numeric figure.

F. Petition.

1. The Petition must be filed via electronic case filing and comply with General Order 2004-06.
2. You must have the correct NAME, ADDRESS, A.K.A., D.B.A., SOCIAL SECURITY NUMBER, and FEDERAL TAX I.D. NUMBER, if applicable, for each Debtor. Information entered for social security and federal tax ID must comply with General Order 2004-04.

G. Amended Petition.

1. Amended Petitions must be filed via electronic case filing and comply with General Order 2004-06.
2. Any corrections, additions, or changes to the original filed Petition will require an Amended Petition and any changes must be highlighted.
3. Must be clearly marked as an "Amended Petition" with changes indicated.
4. You CANNOT add or delete a spouse by amending the Petition. You must file a new Petition and Motion to Consolidate (to add) or file a Motion to Dismiss Party or Sever (to delete).
5. If an amended petition is filed, an amended form B21 must also be filed as a separate document.

H. Amended Mailing List/Matrix.

All amendments to mailing lists or matrix should be done in accordance with L.B.R. 1009.1 and General Order 2004-06.

I. Amended Schedules.

All amendments to schedules should be done in accordance with L.B.R. 1009.1 and General Order 2004-06. Any changes must be highlighted or otherwise designated.

J. Document Specifications submitted to the Clerk

1. The Petition, Schedules, Summary of Schedules, Statement of Financial Affairs, and Verification of Mailing Matrix should be submitted as one PDF in that order pursuant to the CMECF User Manual and in accordance with Electronic Case Filing Administrative Procedures General Order 2004-06. The CMECF User Manual and General Order 2004-06 are available from the Clerk's website at www.txnb.uscourts.gov.
2. The Creditor Matrix Text file should be uploaded separately according to the Creditor Matrix Specifications contained in the CMECF User Manual and should be in accordance with Electronic Case Filing Administrative Procedures General Order 2004-06. The CMECF User Manual and General Order 2004-06 are available from the Clerk's website at www.txnb.uscourts.gov.
3. The Plan and Authorization for Preconfirmation Disbursement should be filed separately according to the CMECF User Manual and pursuant to Electronic Case Filing Administrative Procedures General Order 2004-06. The CMECF User Manual and General Order 2004-06 are available from the Clerk's website at www.txnb.uscourts.gov.

K. Dismissal Pursuant to G.O. 98-4 and G.O. 2003-03 for Paperwork.

B.R. 1007(c), G.O. 98-4, and G.O. 2003-03 set forth that all required documents by the Clerk be filed within 15 days from the date of the Petition. The Clerk has implemented a procedure to automatically dismiss cases that violate this rule. A Notice of Deficiency will be issued by the Clerk on any case that lacks required documents at the time of filing. An Order of Dismissal will be signed by the Court if the document is not timely filed. A Trustee's Motion to Dismiss for paperwork will be filed primarily for cases that have sent the Trustee incorrect paperwork referenced in section III below. The Trustee may submit an Order Dismissing per the Clerk's Notice of Deficiency on the 16th day if necessary. The Court's Order of Dismissal will supersede the Trustee's Motion to Dismiss and hearing thereon. Most cases dismissed by the Court's Order of Dismissal presented by the Clerk will be without prejudice, provided that there is no creditor motion to lift stay on file. See, 11 U.S.C. § 109(g). Motions to Reinstate cases dismissed by the Court's Order of Dismissal presented by the Clerk **must** be filed in time to be heard on the next Chapter 13 docket. The Trustee will generally oppose Motions to Reinstate a case.

L. Extension of Time to File PPS, APD, Schedules, and Statements (L.B.R. 1007.1).

No member of the Trustee's Staff is authorized to give the Trustee's permission to extend the time to file paperwork. If, in unusual circumstances, you see you will be unable to timely file all necessary papers, you must file a Motion for Extension of Time to File Schedules, etc. with proposed orders on or before the date the paper work was originally due to the Trustee or the Clerk. The Trustee shall request that all Motions for Extension filed incorrectly be set for hearing on the next available Chapter 13 Court docket.

III. DOCUMENTS REQUIRED BY THE TRUSTEE.

The following information is due immediately upon filing the case. If the Trustee does not receive this information **within fifteen (15) days of filing the petition**, a motion to dismiss will be filed and set for the next available docket. Each of the following documents with the exception of the wage withholding form should be emailed to the Trustee in one legible PDF per case. If an illegible PDF is received, the Trustee will require the information to be resubmitted as soon as possible. The Trustee requests the debtor and debtor attorney to provide the Trustee with a home phone number, a work phone number, and if available a current email address for the debtor.

A. Photo ID.

All debtors are required to provide the Trustee with a legible copy of a valid driver's license or identification card as required by the United States Trustee.

B. Social Security Card.

Pursuant to the United States Trustee, the debtor must provide a legible copy of a social security card to the Trustee.

C. Proof of Insurance.

The Debtor must furnish proof of insurance to the Trustee. THE TRUSTEE ASSUMES NO LIABILITY FOR THE DEBTOR'S FAILURE TO OBTAIN INSURANCE. The Trustee must receive copies of insurance binders or policies within fifteen (15) days of filing the petition. Insurance requirements are as follows:

1. Proof of Liability insurance on all motor vehicles operated on the public highways (minimum six month policy required);
2. Fire and extended coverage on the Debtor's personal residence and any other properties or structures that the Debtor owns;
3. Fire and extended coverage on the Debtor's business property, equipment and inventory;
4. General business liability insurance.

D. Affidavit of Chapter 13 Debtors.

The purpose of this document is to insure that Debtors have read and understand all the requirements of the Trustee throughout the term of their bankruptcy case. This form can be found at www.ch13-12westtex.org.

E. Pay Stubs and Wage Withholding Form.

Debtors who are not self employed but earn regular wages must send copies of their three (3) most recent pay stubs **and the original signed wage withholding form with the debtor's signature**. Copies of all pay stubs and the original signed and dated wage withholding form must be received by the Trustee within fifteen (15) days of filing the petition.

F. Tax Returns.

All Debtors shall submit to the Trustee within 15 days, the last two (2) year's Federal Income Tax returns with all schedules attached. If a valid extension has been filed, a copy of such extension shall be sent to the Trustee until the return is mailed to the IRS and the Trustee. Debtors must include an original signature on all returns or extensions submitted to the Trustee, even if they are copies instead of the originals.

The Debtor shall file with the IRS Special Procedures Section all required federal tax returns for all periods ending prior to the Petition Date within 60 days after the later of the Petition Date or due date of the return unless otherwise agreed in writing by the IRS or unless otherwise ordered by the Court pursuant to General Order 98-4.

G. Business Cases.

The Trustee requires the following information for all cases in which one or both Debtors are self-employed and business activity will continue after the filing of the petition. The Trustee must receive all of the following items within fifteen (15) days of filing the petition if applicable.

1. A twelve (12) month projected cash flow for the business. This cash flow should reflect projected income and expenses for the twelve (12) months following the date the petition was filed. This form can be found at www.ch13-12westtex.org;
2. An Income Statement and Balance Sheet as of the date of filing;
3. Proof that all employment taxes are paid and returns are filed;
4. Monthly Operating Reports must be filed with the Trustee pursuant to G.O. 98-4 and G.O. 2003-03. Copies of reconciled bank statements and copies of deposit slips must also be attached to each monthly report. Monthly Operating Reports are due twenty (20) days after the end of each month. This form can be found at www.ch13-12westtex.org;
5. A completed Trustee's business case questionnaire. This form can be found at www.ch13-12westtex.org.
6. Copies of the last six months bank statements including deposits and cancelled checks.

IV. PROOF OF CLAIM.

The Trustee requests that all creditors file any claims prior to the § 341 Meeting. A proof of claim must be filed with the Clerk. The official proof of claim form is B10, this form is available at the Clerk's website at www.txnb.uscourts.gov. The Bankruptcy Noticing Center will notice the 341 Meeting and the official proof of claim form to all creditors listed on the matrix.

A. Filing proof of claim.

Proof of claims must be filed via electronic case filing and comply with General Order 2004-06 and 2004-04.

B. Claim Classification.

Pursuant to B.R. 3001(f), the Trustee interprets the proof of claim as prima facie evidence of the type and amount of debt. Unless the claim is either objected to or amended, the Debtor's Final Plan must provide for payment of the claim as filed with regard to classification and amount of total debt. Valuation differences between the Final Plan and the proof of claim will be resolved at the time of confirmation based on the Debtor's Motion for Valuation and Confirmation and any responses. Should a secured proof of claim be filed, the corresponding documents must also be attached to the claim in accordance with General Order 2004-06 and all other Administrative Procedures for Electronic Filing. If they are not so attached, the Trustee may defer to the Debtor's schedules for proper claim classification.

C. Claim Objections.

The Trustee will not assume responsibility for objecting to proof of claim for lack of documentation or otherwise. Objections to claims are contested matters and must be tried separately per each claimant before the Court if they are not resolved prior to Confirmation. Creditors who fail to respond to this objection are deemed to have defaulted and the objection may be sustained. Contested objections that will involve lengthy hearings may be tried at a special setting.

D. Requirement to File Claim.

Inclusion in the APD does not preclude the creditor from the requirement of filing a proof of claim in order to receive pre-confirmation or post-confirmation payments.

E. Filed Claims.

The Debtor's Final Plan shall be based upon the filed claims of each creditor. The Debtor should file claims within the time prescribed by B.R. 3004. The Debtor is responsible for insuring that secured, priority, and unsecured special class claims have been timely filed with the Clerk. All creditors are urged to file a proof of claim by the § 341 Meeting to assist the Trustee in making prompt distributions to creditors. The Trustee will reserve APD payments for secured and priority creditors who have not filed claims. Once the claim is filed and is undisputed, the Trustee may disburse funds to such creditors pursuant to the most recent filed APD.

F. Priority Claims.

Priority claims, including unsecured IRS claims, are not entitled to interest under Chapter 13. Note: Ad valorem tax claims are secured, not priority, to the extent of the value of the real property of the estate against which the tax is assessed. (See 11 U.S.C. § 502(b)(3)).

G. Unsecured Special Class Claims.

Student loans may be separately classified as special class or paid direct according to the terms of the note (provided payments are disclosed in Schedule J and not accelerated) only if the special treatment of the student loan results in a higher percentage paid on allowed general unsecured claims than if the student loan was not specially treated and paid along with the allowed general unsecured class over 36 months or the length of the plan. Post petition child support arrears shall be paid through the plan unless otherwise ordered by the court.

H. Late-Filed Claims.

Any claim filed late shall receive subordinated treatment provided by 11 U.S.C. § 726(a)(3) unless otherwise ordered by the Court.

I. Claims Received in Paper.

It is the filer's responsibility to ensure that their claim is filed with the Court. All claims received in paper and not properly filed with the Clerk will be sent to the Clerk per Bankruptcy Rule 5005(c).

V. PRELIMINARY PLAN SUMMARY (PPS) & AUTHORIZATION FOR PRE-CONFIRMATION DISBURSEMENTS (APD).

The Debtor must complete and file Debtor's PPS with or within fifteen (15) days of filing the Petition. A Debtor must also file an APD with the PPS that reflects the proposed disbursements to creditors after the § 341 Meeting. A copy of these forms may be obtained from the Trustee's website at www.ch13-12westtex.org. At the 341 Meeting, the Trustee shall generate an APD, which reflects the Debtor's changes. The purpose of the APD is to get money to creditors as quickly as possible and offer adequate protection to secured creditors. The Trustee will approve an adequate protection percentage of 1.25% applied to the lesser of the scheduled debt or the proposed value of the collateral, to all secured creditors. The Debtor may vary this percentage with agreement from the creditor involved.

A. Noticing PPS & APD.

1. The Debtor is responsible for noticing the PPS and APD to all creditors listed on the mailing list/matrix. A certificate of service shall be filed with the Clerk.
2. Failure to timely notice the PPS and APD to all parties listed on the Mailing List/Matrix and file a certificate of service with the Clerk will result in a Motion to Dismiss being filed by the Trustee.

B. Amendments to PPS & APD Prior to § 341 MEETING

If the § 341 Meeting notices have already been served on creditors and there is a need to change the PPS & APD prior to the § 341 Meeting, submit the Amended PPS & APD to the Presiding Officer before the § 341 Meeting. The Amended PPS and APD must be marked amended.

C. Amendments to PPS After § 341 MEETING.

If a change needs to be made to the PPS after the § 341 Meeting, an Amended PPS must be completed. All amended PPS's should be clearly marked 1st Amended, 2nd Amended, etc. and be filed with the Clerk. Plan payment changes are not effective until the amended plan summary has been filed with the court (i.e. no retroactive payment changes). All changes to each amended PPS must be highlighted.

D. Amendments to APD After § 341 MEETING.

If a change needs to be made to the APD after the § 341 Meeting, the PPS must be amended also. Both the APD and the PPS must match creditor for creditor. The APD must also be marked 1st Amended, 2nd Amended, etc and be filed with the Clerk as a separate document from the PPS.

E. APD Payment Adjustments.

Pre-Confirmation Disbursements shall automatically increase to the PPS payment amounts after Debtor attorney fees are paid pursuant to G.O 98-4 and G.O. 2003-03.

F. APD Disbursements.

No refunds of APD payments paid to any creditor as authorized by the APD, will be requested by the Trustee.

VI. SECTION 341 MEETING OF CREDITORS.

The Clerk will schedule a date and time for the meeting of creditors pursuant to 11 U.S.C. § 341. The Debtor and Debtor's Attorney must attend the § 341 Meeting. If the Debtor does not attend the scheduled § 341 Meeting, the Trustee will certify the case for dismissal pursuant to G.O. 98-4 and G.O. 2003-03. **No member of the Trustee's staff or the Trustee can excuse Debtors from attending the § 341 Meeting. The Trustee will not agree to continue a § 341 Meeting except in extreme circumstances.** In general, the examinations will be limited to fifteen (15) minutes each. The presiding officer will ask some routine questions after the Debtor is placed under oath and will verify the Debtor's name, address, and social security number. The Debtor will be passed to Debtor's counsel for further examination. If a creditor is conducting a lengthy examination, the presiding officer may adjourn or continue the § 341 Meeting and suggest that the creditor notice an examination pursuant to B.R. 2004. Future scheduled meetings can be found at the Trustee's web site at www.ch13-12westtex.org.

VII. FINANCIAL MANAGEMENT MEETING.

The Trustee will schedule a date and time for the Financial Management meeting. Every Debtor must attend the Financial Management meeting. If the Debtor does not attend the Financial Management meeting, the Trustee will certify the case for dismissal pursuant to G.O. 2003-03.

VIII. FINAL PLAN WORKSHEET.

After the claims bar date, the Trustee will prepare the Trustee's Final Plan Worksheet and mail it to the Debtor's Attorney or Debtor (if Pro Se). The Debtor/Debtor's Attorney will have 20 days to review this information and make any changes necessary and return it to the Trustee. If the Trustee does not receive the Final Plan Worksheet within 20 days, the Trustee will file a Motion to Dismiss for unreasonable delay. Failure to resolve any matters as indicated in a returned worksheet, within 10 days of the date the Trustee received the worksheet, shall be cause for the Trustee to file a Motion to Dismiss/or Reduce Attorney Fees.

IX. DEBTOR CHANGE OF ADDRESS.

Debtors who change their mailing address while their bankruptcy case is pending **must** notify the Trustee's Office and their attorney **in writing**, via U.S. Mail or fax of any and all new mailing addresses. In addition, debtor or debtor attorneys shall file the correct information via ECF to change the debtor's address in the Clerk's records.

X. INCOME TAX REFUNDS.

Income tax refunds sent to the Trustee after the filing of the Chapter 13 Petition will be applied to any delinquency in the Debtor's Chapter 13 payments pursuant to G.O. 98-4 and G.O. 2003-03. If there is no delinquency, the Trustee will forward the income tax refund to the Debtor. If the refund more than covers any delinquency, the excess will be refunded to the Debtor. The Debtor is required to provide the Trustee and Debtor Attorney with a copy of any Internal Revenue Service letter or notice advising them of a tax refund offset.

XI. ATTORNEY FEES.

Attorney fees are governed by G.O 2002-03 and G.O. 2004-01. Unless ordered otherwise, the Trustee will not make payment on any attorney's fees for the preparation and handling of a Chapter 13 case in excess of \$2000.00 plus Clerk filing fees. This is exclusive of Court costs. Any attorney's fees unpaid at the time of filing should be paid out through the Debtor's PPS. A maximum of \$1,500.00 plus Clerk filing fees may be paid before confirmation unless otherwise ordered by the Court. The balance, if any, shall be payable only after the Debtor's case is confirmed pursuant to G.O. 2002-03. All Debtor's attorneys must file a disclosure of attorney fees along with the Chapter 13 petition, per B.R. 2016(b). **The Debtor is not to pay any post-petition attorney's fees or expenses outside of the Debtor's Plan except by Order of the Court.** Debtor attorneys may not request any fees to be paid prior to the entry of an order of the Court approving such fees. Any fees requested beyond these guidelines will require disclosure and justification as outlined by G.O. 2002-03. Such fee applications must be set for hearing and notice must be given to all parties on the matrix. The Trustee will not oppose or request an accounting for Creditor's Attorney fees of \$675.00 plus the filing fee expense for motions to lift stay. Creditor's Attorney fees and expense in excess of this amount may require a fee application and Court approval pursuant to G.O. 2004-01.

XII. GENERAL PLAN CONCERNS.

One or more of the following concerns are relevant to the generation of a PPS or Final Plan. The Trustee has listed these items in an effort to develop plans, which are feasible and uncontested.

A. Valuation.

The Trustee requires that prior to the § 341 Meeting of Creditors, the Debtor's Attorney confer with any secured creditor (or its attorney) which has the terms of its obligation altered by the plan through a cram down provision. See 11 U.S.C. § 1325(a)(5). A stipulation or agreement on value and interest rate will avoid the necessity of a hearing on valuation. A Motion for Valuation is included with all Final Plans and is set for the same date as confirmation of the Final Plan.

B. Interest Rates.

The interest rate to be applied to any secured debt which is modified by the plan will be the annual percentage rate in the contract, unless otherwise agreed.

C. Minimal Payment or "Deep Composition Plans".

The following factors are suggested as relevant in determining the sufficiency of the Debtor's repayment effort if less than 70% is expected to be paid to unsecured creditors:

1. Earning potential and income from all sources.
2. Expense Budget.
3. Plan Duration.
4. Are there any debts which would be non-dischargeable in a Chapter 7 case?
5. Age of the debts.
6. How the debt problem arose.
7. Age of the Debtors.
8. Extent and use of "cram down" provisions on secured creditors.
9. Frequency of relief under the Bankruptcy Code.
10. Total amount of debt.
11. Classification of claims including preferential treatment of creditors.
12. Accuracy and detail of financial disclosures.
13. Use of exemptions.
14. Toys and recreation.
15. Motivation and sincerity.
16. Equity or fundamental fairness (i.e. is the Debtor manipulating or abusing the statute?)
17. Difficulty of administering the Plan.
18. Contributions and Donations.

D. Plans Generally Opposed by the Trustee.

1. Plans which do not dedicate all of the Debtor's net disposable income to the plan payment.
2. Plans of Debtors who exaggerate the normal living expenses or deliberately understate the amount of take-home pay.
3. Plans that provide for direct payment by the Debtors of claims by creditors, except for current mortgage payments.
4. Plans which do not comply with 11 U.S.C. § 1322 and or standards of confirmation under § 1325(a).
5. Plans which pay less than 100% to unsecured creditors while paying for luxury or unnecessary items (i.e., boats, cabins, raw land, etc.).
6. Plans by individuals who have failed to disclose all of their assets and liabilities, and otherwise have provided inaccurate or false statements in their Statement of Affairs.
7. Plans that have child support arrears that pay direct should have a state court order, otherwise the arrears should be paid through the plan.
8. Plans that provide payment for unassessed liability claims of the Internal Revenue Service.

XIII. Plans with "Balloon Payments".

All Debtor Plans and/or Plan Modifications that propose "Balloon Payments" will require testimony at the confirmation hearing as to the feasibility of the Debtor's ability to make the balloon payments. No Exceptions.

XIV. SURRENDER FOR VALUE OR IN FULL SATISFACTION OF CLAIM.

If, pursuant to 11 U.S.C. § 1325(a)(5)(C), the Debtor proposes to satisfy an allowed secured claim by "surrender" of the property securing such claim, the Debtor's Plan shall state the "value" of the collateral to be surrendered (so that the amount of any unsecured deficiency claim might be determined), or state that the collateral is being surrendered "in full satisfaction" of the claim. **PURSUANT TO G.O. 98-4 and G. O. 2003-03, THE STAY PROVIDED BY 11 U.S.C. § 362 CAN AUTOMATICALLY LIFT UNDER CERTAIN CIRCUMSTANCES.**

XV. TRUSTEE DISBURSEMENTS.

The Trustee shall only make disbursements pursuant to Orders of the Court. The Trustee shall disburse funds to creditors at least once a month. If the Trustee receives written verification that the automatic stay has lifted pursuant to previous Court Order, disbursements to that creditor shall cease until further order of the Court.

XVI. COURT HEARINGS.

A. Pre-hearing Conferences.

The Trustee will hold Pre-Hearing Conferences on **all** matters set for hearing on the Court's docket published on the Trustee's website at www.ch13-12westtex.org. Pre-Hearing Conferences begin 1 or 2 hours prior to the actual Court hearing. The Debtor, Debtor's Attorney, and all objecting creditors are **required** to attend the Pre-Hearing Conference with the Trustee in an effort to resolve the matter. The Court's hearing schedule **will** start on time! Do not show up five minutes before the Court's hearing in hope of resolving your matter. Court dockets can be viewed at the Trustee's website at www.ch13-12westtex.org.

B. Confirmation Hearing.

After the Final Plan Worksheet is returned, the Trustee will prepare the Debtor's Final Plan and Motion for Valuation. The Trustee will also prepare Debtor's Objection to Claims, Notice for Hearing and Certificate of Service on both matters. The Final Plan, Debtor's Objection to Claims, Notice of Hearing and Certificate of Service will be emailed to the Debtor's Attorney for review and signature. If the Plan is accurate, the Debtor's Attorney shall sign and file the Final Plan, Debtor's Objection to Claims, Notice of Hearing and Certificate of Service as one PDF file with the Clerk within 10 days. The Debtor's Attorney shall mail the Final Plan and Debtor's Objection to Claims to all parties on the Mailing List/Matrix at least thirty (30) days in advance of the Confirmation Hearing date. If no Objection to Confirmation is filed and the debtor is current, the debtor does not have to attend the confirmation hearing. The Trustee will assume the responsibility of drafting orders confirming the Plan. An order is not required to extend the Plan beyond three years. If the Plan proposes five years, confirmation of the Plan has the effect of giving the Court's approval for the additional time.

XVII. TRUSTEE'S MOTION TO DISMISS.

The Trustee reserves the right to utilize the Dismissal procedures set forth in G.O. 98-4 and G.O. 2003-03 at any future date. The Trustee will use the following procedures when filing Motions to Dismiss:

A. Dismissal for Paperwork.

Failure to file complete proper forms and documents as required will result in a Trustee's Motion to Dismiss. Contested hearings on the Trustee's Motions to Dismiss will be set a minimum of 20 days after the Motion is filed. Once the Motion to Dismiss is set on the Court's docket, the Debtor will have to attend a Pre-Hearing Conference with the Trustee to present the paperwork to the Trustee, unless the matter has been resolved two days prior to the Court Hearing. If the paperwork is complete and correct, the Trustee's Motion to Dismiss will be withdrawn and the case will be removed from the dismissal docket. IT IS A DEBTOR'S RESPONSIBILITY TO ENSURE THAT THE PROBLEM RELATIVE TO THE TRUSTEE'S MOTION TO DISMISS HAS BEEN RESOLVED AND PROOF HAS BEEN PROVIDED TO HIS OR HER ATTORNEY AND THE TRUSTEE. Refer to following sections of the guidelines for more details:

1. Section II. DOCUMENTS REQUIRED BY THE BANKRUPTCY CLERK
2. Section III. DOCUMENTS REQUIRED BY THE TRUSTEE

B. Dismissal for Plan Payment Default.

If a Debtor fails to timely make payments, the Trustee will file a Motion to Dismiss and request a hearing on the next available Court docket. First payment default will be cause for automatic dismissal pursuant to G.O. 98-4 and G.O. 2003-03. All Motions to Dismiss filed by the Trustee will include a twenty (20) day notice period pursuant to B.R. 9007. If an Interlocutory Order or an Agreed Order has been used to cure plan payment arrearages, the Trustee will monitor the case for compliance and any default of the Order will result in an automatic dismissal. IT IS A DEBTOR'S RESPONSIBILITY TO INSURE THAT THE PROBLEM RELATIVE TO THE TRUSTEE'S MOTION TO DISMISS HAS BEEN RESOLVED AND PROOF HAS BEEN PROVIDED TO HIS OR HER ATTORNEY AND THE TRUSTEE. Refer to following sections of the guidelines for more details:

1. Section I. PAYMENTS TO THE TRUSTEE

C. Dismissal for Insufficient Plan Base.

It is possible that a Debtor successfully makes all Plan payments required to satisfy the Plan "Base", but is not granted a discharge because the plan base proved insufficient to pay all allowed claims. This may occur for several reasons. The most common are that claims (such as that of the IRS) are amended and the Final Plan is never modified to deal with the amended claims, or the Debtor became delinquent and secured debt could not be paid as originally amortized. Therefore the Trustee will file a Motion to Dismiss the case. The Debtor may have the following options:

1. If it is practical, the Debtor may object to claims, which might have caused the Plan "Base" problems.
2. If the Plan has not reached a sixty (60) month term, the Debtor may modify the Plan to treat the remaining claims.
3. Finally, the Debtor may seek a discharge and except from discharge the unpaid balances owing on such claims.

XVIII. MODIFICATION OF PLAN AFTER CONFIRMATION.

The Trustee will provide the applicable form for all modifications, and **all** sections of the form must be completed. This form is available at the Trustee's website at www.ch13-12westtex.org. The payment history of the Debtor is available at www.Trustee13.com and also through the fax on demand system @ 806-745-9256. If there are objections to the modification or a balloon payment is included, the Debtor must attend the modification hearing. When a Plan Modification is filed, a new income and expense budget (Schedules I and J) **must** be submitted with the modification. The Trustee will assume responsibility of drafting orders modifying the Plan. If the Court approves the Plan Modification, the Trustee's Motion to Dismiss will be withdrawn. If the Trustee does not approve the modification, the dispute will be presented to the Court at that time.

XIX. MOTIONS FOR POSTPETITION FINANCING or MOTION TO INCUR NEW DEBT.

Each Motion for post petition Financing must include the following information:

A. Items to be included in the Motion.

1. A description of the item being purchased, and the existence and nature of any factory warranty.
2. The financing terms, interest rate, monthly payment amount and number of payments.
3. Where the interest rate is built into the price, the sum attributable to finance charges.
4. The existence and cost, including finance charges, of any extended warranties.
5. A copy of the Debtor's current income and expense budget (Schedules I & J).
6. A copy of any buyer, seller, or financing contract relative to the indebtedness. The copy should include signatures of all parties involved.
7. The reason or necessity for incurring new debt.

B. Noticing Requirements.

Notice of the Motion should be served upon all parties having filed a notice of appearance, all creditors, U.S. Trustee, and Trustee.

XX. MOTIONS TO SELL PROPERTY.

Each Motion to Sell Property must include the following information:

A. Items to be included in the Motion.

1. A description of the real or personal property to be sold including any legal descriptions of the property.
2. A copy of the sales contract or agreement with signatures of all parties involved.
3. A breakdown of any lien holders on the property including amounts owed to each creditor.
4. The proposed or final date of sale.
5. The name, address, and phone number of any closing agent involved with the sale.

6. Should include language allowing property to be sold free and clear of all liens with liens to attach to the proceeds.
7. The reason or necessity to sell the property.
8. Shall include language that explains which creditors will be paid through closing and indicate how those creditors were to be paid pursuant to the Debtor's Plan.
9. If residual funds are produced from the sale, the Motion and Order should clearly state the disposition of those funds subsequent to the sale.
10. Shall allow for a final signed and executed closing statement to be forwarded to the Trustee immediately upon closing.
11. Shall indicate if the property was claimed exempt.

B. Noticing Requirements.

Notice of the Motion should be served upon all parties having filed a notice of appearance, all creditors, U.S. Trustee, and Trustee.

XXI. DISCHARGE OF THE DEBTOR.

Monthly, the Trustee's Office monitors cases in which the Debtor's payment equals the balance owed toward the base. These are, therefore, cases that should be ready to close upon receipt by the Trustee's Office of final payment. Simultaneously, cases in which the dividend for unsecured creditors was set at one hundred percent (100%) are also monitored for discharge once that dividend is paid. Cases are audited to determine if they are eligible for discharge. If a case is ready for discharge, the Trustee will generate an Order Discharging the Debtor and submit such order to the Clerk. The Bankruptcy Noticing Center will notice the Order Discharging the Debtor to all creditors listed on the Creditor Matrix. Once the Order Discharging the Debtor is entered, a Trustee's Final Report and Account and the Order Discharging Trustee are prepared by the Trustee and submitted to the Clerk. The Debtor is sent a copy of each from the Bankruptcy Noticing Center. When the Trustee is discharged, the case is closed.

XXII. DEBTOR REHABILITATION / CREDIT RE-ESTABLISHMENT.

When a debtor completes a Chapter 13 Plan they may call the Trustee office for assistance with information on re-establishing credit. Assistance includes information on how to obtain credit reports and updates, budgeting, and some information on contacting potential credit grantors. If there are questions regarding credit after completing bankruptcy, contact the Trustee office and ask for the Financial Management Department.

XXIII. QUESTIONS REGARDING YOUR CHAPTER 13 CASE.

Should the Debtor or the Debtor's Attorney have questions regarding the Chapter 13 case, please contact the Trustee's Office via phone, fax, or email at geninfo@ch13-12westtex.org with a brief description of your question and case number in the subject line. Case information is also available through the Fax on Demand system @ 806-745-9256 or at www.Trustee13.com. Login information may be obtained by contacting the Trustee's office. Please do not feel that you have to speak to the Trustee. The Trustee's staff can answer your questions, and they are trained to assist the Debtor and the Debtor's Attorney in handling the Chapter 13 case. **Please note that the Trustee and his staff cannot offer "legal advice". Refer all legal questions to your attorney.** Remember that if future circumstances cause you to default under your Plan, you should immediately contact your Attorney to determine whether or not a Modification or Extension should be sought from the Court. Only the Court can authorize changes to the original confirmed plan.

Walter O'Cheskey
Standing Chapter 13 Trustee